

NEWINGTON TOWN PLAN AND ZONING COMMISSION

March 23, 2011

Regular Meeting

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Lenares
Commissioner Turco (7:05 p.m.)

Commissioners Absent

Commissioner Camerota
Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Commissioner Camerota and Commissioner Lenares was seated for Commissioner Schatz.

II. PUBLIC HEARINGS

- A. PETITION 07-11 – 3311 Berlin Turnpike, Acorn-Thompson, Bulley Company II, LLC owner Lorence Signworks 55 Willow Brook Berlin, CT 06037 applicant, request for Special Exception, Section 6.2.4 for pylon sign, PD Zone District.**

Chairman Pruet: Is the petitioner here? Would you come forward to the podium and state your name and address for the record please?

Paul Lorence, 55 Willow Brook Drive, Berlin, Connecticut: We're here for a special exception for Section 6.2.4 for a pylon sign in a PD Zone District. I was told all pylon signs must be reviewed by zoning before they are allowed to be constructed.

Chairman Pruet: Okay, our Town Planner, Ed, do you have some comments on this?

Ed Meehan: I can provide a little elaboration. There is a staff report before each Commission member and a submittal by Lorence Sign Works showing the proposed new sign, existing wall sign and the existing pylon. The client is proposing to remove the existing pylon at 3311 Berlin Turnpike, there's a picture of that there. By removing that, they are

going to lose the existing non-conforming status of that sign. That sign is twenty-two feet high, our standards are eighteen feet, the sign area of the pylon at present is 130 square feet, both sides counted and the wall sign is 85 feet, so the sign standards are twice the length of the building which would be 150 square feet of signage so the existing sign is both too high and puts them over the limit as far as square footage. The proposed sign that Lorence Sign Works has before you would be for a seventeen foot, eleven inch sign, sign area of 58 square feet total. The existing wall sign is 85 for a total of 143 square feet. So the bottom line is the proposed sign before you complies with the area in height, and the location would be behind the property line adjacent to the existing footing, as close as possible, therefore it would comply with your regulations.

Chairman Pruett: Very good. Thank you. This is a public hearing, anybody from the public wishing to speak for this petition? Anyone from the public wishing to speak against this petition? Okay, thank you sir, and we'll let you know, the planner will let you know.... Commissioner comments? Sir, if you could just hold on in case there is a question that one of the Commissioners wants to get resolved.

Commissioner Aieta: It looks like we are actually getting a reduction in the signage on the site and the conformity, I think it looks pretty good.

Chairman Pruett: Was there a problem too Ed, with the placement on the property?

Ed Meehan: It's behind the property line, very close to the front line, the front line is the state highway line, it's right on the property line.

Chairman Pruett: Additional Commissioner comments?

Commissioner Casasanta: I think we should close this petition.

Chairman Pruett: Is that the consensus? Okay, we will move it forward to Old Business sir, the next time we meet. Thank you for coming.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

Rose Lyons, 46 Elton Drive: I wasn't going to speak, but as soon as the first gentleman got up and started to speak, and I could just about hear what he was saying, I remembered what it was that I was going to say, it was about the microphone. I haven't watched the TPZ meeting in a long time on NCTV because I have been here, but now that you are meeting here in the Council chambers the microphones are fine here, but I don't know if you can hear this microphone or not. The same things happen when the Town Council has their meetings here, so I understand that there are new microphones for the Board of Education, so maybe there are some microphones around for you when you go back to where you normally meet so that we can hear what you are saying over NCTV. Thank you.

Chairman Pruett: Thank you. I'll pass that along. Further comments from the public?

IV. MINUTES

March 9, 2011 – Regular Meeting

Commissioner Hall moved to accept the minutes of the March 9, 2011 Regular Meeting. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: I don't have anything for you Mr. Chairman, but I am tracking the letter that you sent to the post office, we have not received a response back yet. It's been about three weeks.

Chairman Pruet: May be time for step two I think.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

A. PETITION 06-11 – Newington Town Plan and Zoning Commission as applicant proposes amendments to the Zoning Regulations for the following. Public Hearing closed March 9, 2011. Sixty-five day decision period ends May 13, 2011.

1. Section 3.15.4 Drive Through Restaurant, to permit by Special Exception in the Business Berlin Turnpike Zone (B-BT) and Planned Development Zone (PD)

Commissioner Lenares moved that Section 3.15.4 drive through restaurant use permitted by Special Exception in the Berlin Turnpike Business zone, (B-BT) and the Planned Development zone, (PD) previously deleted from the Zoning Regulations November 15, 2007 be reinstated.

- A. The reinstated regulations shall include special exception requirements for traffic impact analysis; condition to control driveway curb cuts and distance to corner intersections; conditions to require shared driveway access and inter-site connections when determined appropriate by the Commission; limitations on the number and location of drive through service windows; and the requirement that the drive through restaurant building and menu board be located at least 300 feet from adjacent residential buildings.
- B. The Commission finds that the reinstatement of drive through restaurant uses is consistent with promotion of food services along the Berlin Turnpike corridor; 2020 Plan of Conservation and Development, Berlin Turnpike Business Areas Strategy #14.
- C. The Commission finds that the reinstatement of drive through restaurant uses limited to only the Berlin Turnpike Business Zone, (B-BT) and the Planned Development zone, (PD) is consistent with and recognizes the seven (7) existing drive through restaurant uses, six (6) of which are located along the Berlin Turnpike.
- D. The effective date of this amendment shall be April 6, 2011.

The motion was seconded by Commissioner Anest.

Commissioner Pane: Thank you Mr. Chairman. I have some problems with approving this. One of the things would be the, number B, the Commission finds that the reinstatement complies with the turnpike business area strategy number fourteen in our 2020 Plan. After reading it, it doesn't necessarily talk about drive through restaurants, it talks about improving commercial uses on the Berlin Turnpike, so I don't think it's fair to use that as a way to approve this. I would also like to go back to May 23, 2007. I'm going to quote Ed Meehan. "This section has been in the regulations for six or seven years. It had been taken out in the mid-nineties. It was put back in and the Commission felt that it didn't wish to, I don't wish to speak for everybody on the Commission, but felt that they have enough variety of drive through restaurants on the major highway in Newington, and the direction that they wanted to head is to encourage more sit-down restaurants." Last meeting Chairman Pruett you said that you didn't see any medium size restaurants, or let's call them sit-down restaurants coming back in. Well, I think that there have been several that have changed hands and there have been several new ones, such as the sports bar and restaurant on Fred Callahan's property. The reason that the Commission took these out was to get a mix of commercial uses on the Berlin Turnpike so there wasn't a concentration of drive through restaurants just like back in the early days of the Berlin Turnpike there was a concentration of gas stations and auto uses and hotels and they wanted to eliminate that, so they made adjustments in our regulations so that we could have a nice mix. We've achieved that now and I think we would be going backwards in our planning process if we allowed this. Thank you.

Chairman Pruett: Further discussion from the Commissioners?

Commissioner Anest: I just looked at strategy number fourteen where it says to encourage the development such as food services, (inaudible) trade locations. Drive through restaurants do encourage that, do promote, I don't see where, once again, we agree to disagree and everybody interprets the regulations differently. I don't interpret them the same way that you do.

Chairman Pruett: Further comments?

Commissioner Hall: As you know, I gave this a lot of thought, and actually agreed to have it extended probably a little bit longer than other members of the Commission thought necessary, however, it was necessary for me in particular to get a feel from the public on this issue. I know how we all felt, and I know how family members, or people I see every day felt, but I didn't think that we had enough public input, and again, going back to the public hearings, yes, we had some people speak, but again, I didn't feel that that was the general public per se. People who spoke I felt were people who were very attuned to the Town of Newington, involved, and had their piece spoken, which is fine. So, then I spent the past couple of weeks in every organization to which I belong, long line by the way, my business associates and just general people in town, anywhere I would go, I would bring up the subject and it has to be over a hundred people, easily. Not one person, well I shouldn't say not one, one person expressed a desire for this not to come back, and that person had an idea, such as I did, thinking that it was going to maybe create more trash. But then the site that she quoted to me, being trash, had nothing to do with food service or drive through or anything else. It is a plot in town that tends to collect plastic trash bags that fly, specifically in back of Wal-Mart and for some reason, those trees collect plastic bags constantly. That was her concern, that it would generate some more trash. Having said all of that, the general public seems to want this. Also, we are not keeping out any other type of restaurant. We're opening it up to another type of business with this regulation. Anyone who wants to come and create a sit down restaurant or anything else certainly has the right to do it. We haven't

kept them out up to this point, we don't see them knocking down the door. It would be nice if they would. Yes, it may be the economy, the economy is changing, maybe we will get some more back. This just opens it up to more types of business available to the Town of Newington and hopefully creating a better tax base for us, so I am going to be in agreement with this tonight and I think if you have watched through the weeks I had some reservation on this, I don't at this point.

Chairman Pruet: Thank you. Further Commissioner comments?

Commissioner Casasanta: In the past couple of weeks since we had our last meeting I too have had an opportunity to speak with several people, not a hundred like Cathy has, but quite a few, and I did get some push back, some negative comments, but I think overwhelmingly the vast majority of the people that I spoke with were in favor of allowing this to proceed, so in that vein, I too will be supporting this, however, I do, there was a comment I can't remember if it was at the public hearing two weeks ago, or if it was at the first one, but there was a comment made about there not being drive through restaurants in the center of town, and I think we do have a PD Zone in the center of town, which if we were to pass this, this evening I think potentially, at some point down the road, that may lend itself to having a drive through in the center of town, so I just want to say, if we do pass this, this evening, we should be cognizant of that, so if we want to take measures at some point down the road, not necessarily this evening, if you want to take measures at some point down the road to address that, I just wanted you to be cognizant of that.

Chairman Pruet: Thank you. Ed, just a clarification, I think in the center district, there is a prohibition on drive throughs, correct?

Ed Meehan: Yes, the Business Town Center Zone would not permit drive throughs. Commissioner Casasanta is correct, Keney Manufacturing is an unusual zoning area that was put in the PD Zone I guess, a long, long time ago.

Chairman Pruet: Okay, thank you.

Commissioner Pane: Mr. Chairman, I have a comment. I appreciate the comments from the other Commissioners, and I would just like to state that the way that, if this Commission was to put this back in, our Special Exception section is way too weak. You know that our Special Exception section is weak because we have had problems with it on other types of things that have come in. I think that this Commission should be looking at that section better if you are going to approve something like this. Thank you.

Chairman Pruet: Okay, thank you. Any additional comments?

The vote was in favor of the motion after a roll call vote, with four voting YES and two Nay (Pane, Aieta.)

2. Section 5.1.5 Non-conforming Building or Structure Reconstruction, delete prohibition of non-conforming replacement when alteration is less than 50 percent of fair market value.

Commissioner Anest moved that Section 5.1.5 be amended to delete the prohibition of building or structure replacement when the cost of such repairs is less than 50 percent of the property's fair market value.

The Commission finds that: (1) not permitting a property to repair and replace a legal non-conforming structure when the cost exceeds 50 percent of the property's fair market value could be a deterrent to business reinvestment; (2) the determination of property loss and fair market value could be difficult to resolve, and (3) a destroyed structure not replaced could be a blight to the surrounding area and a negative impact on property values.

This amendment shall be interpreted to require that a legal non-conforming building repair or replacement may be restored to the same dimensions, floor area, cubic volume, density, and footprint location on the property existing prior to such damage or destruction.

The effective date of this amendment shall be April 6, 2011.

The motion was seconded by Commissioner Casasanta.

The vote was unanimously in favor of the motion after a roll call vote with six voting YES.

3. Section 6.2 (E) and (F) Temporary Signs, increase days for special advertising sale events.

Commissioner Casasanta moved that Section 6.2 (E) and (F) of the regulations for issuing temporary sign permits by the zoning enforcement officer be amended to clarify the types and sizes of such temporary signage; to increase the number of days permitted for display of temporary signage, and to permit a new business coming to Newington and existing business relocating or expanding an additional twenty (20) days of promotional advertising.

The effective date of this amendment shall be April 6, 2011.

The motion was seconded by Commissioner Hall.

Commissioner Pane: Thank you Mr. Chairman, I have some concerns with this because only one person from the public came out to concur, that asked for this and I think that our regulations right now provide ample signage for people and until we get a handle on our enforcement issue that nothing should be done on this. We have a company, P.C. Richards up there that has had illegal banners up there for months and months and months and so I can see the same thing happening because there's absolutely no control over the existing signage, any of the enforcement being done on it, so at this time I cannot encourage any expansion of this, until we get a better handle on our enforcement.

Commissioner Aieta: I would like to hold off on making this type of change until we have a better handle on the enforcement, particularly the ticketing system that we are pursuing. Until we have that in place I wouldn't feel comfortable that we have the enforcement to regulate any more time than we have at this point. What we have now is not being regulated and the enforcement has no teeth in it. So to put additional signage out there for additional days, and you are having a hard time being able to regulate it, I don't see that we should go forward at this time. Maybe if we had a different system of enforcement this would be a good idea in the future, but not now.

Chairman Pruet: Thank you. Further discussion from the Commissioners?

The vote was in favor of the motion after a roll call vote with four voting YES and two Nay (Pane, Aieta)

B. Discussion of Possible Draft Zone Amendments Newington Town Plan and Zoning Commission, continued from March 9, 2011.

- 1. Section 9 Definitions: Signs, Mechanical and Digital**
- 2. Section 6.2.4 (D) Reader Board Signage**

Chairman Pruett: This has been a continuing discussion for our draft amendments. Our last meeting revealed a consensus to define the sign, mechanical and digital and also the consensus was that a gasoline product pricing sign would be appropriate, and there was no consensus to include digital signage at this time. Ed, would you please read the draft that you have been working on, the revised draft that included the last meeting's discussions?

Ed Meehan: There's two parts to this. The first part would be a new definition under Section 9 of the Zoning Regulations, the definition section and the suggested wording would introduce the language which describes the mechanical and digital signs which the Commission wants to put in place to prohibit that type of signage. It's updated to reflect state of the art as we know it right now as far as video graphics and signs that change color, brightness, and the language would say all such signs are prohibited except time and temperature signs and (2) gasoline price signs that comply with the standards set forth in Section 6.2.1 (E). That is an existing section of the Zoning Regulations and the proposed amendment to Section E would also restate in part the definition to say that digital signs, flashing, running, rotating, video graphics and so forth are prohibited, except, (1) Time and temperature which is now permitted in the regulations at a standard of not to exceed six square feet and number two, this would be something new that the Commission is considering, gasoline product price signs that is digitally controlled and a component of the business's free standing sign, provided that each product per gallon price size does not exceed 1 foot high by 3 feet wide and does not move, flash, run, scroll, rotate or change color or brightness. And by the price sign, we are talking about what we see typically now where most gas stations will have a price for unleaded, mid-grade and high grade and some have diesel up there. Those are usually fixed or stationary, replaced as the prices change. This would permit a service station to do that digitally, obviously from a computer console within the station when they change their price, but the language here is not to see that that creates a flashing or rotating, you change it when the price changes, if the price changes three days later, you change it again up or down. I think some Commission members felt that it was a better read for the public and more uniform. So that was the intent of the draft.

Chairman Pruett: Okay, Commissioner comments on this?

Commissioner Hall: On E, I think I'm reading this wrong, so you will have to help me. Go down to the last two sentences, not limited to flashing, running, rotating, video graphics, change in color and brightness or scrolling advertisement message shall be permitted except: Time and/or temperature.

Ed Meehan: Shall not be permitted.

Commissioner Hall: Exactly.

Ed Meehan: So under Section 6.2.1 (E).

Commissioner Hall: Correct.

Ed Meehan: Shall not be permitted, definitely not.

Commissioner Lenares: Question for the Town Planner, Ed, where did you get the measurements of three feet wide by one foot high, were those some other ones that you looked at in other towns or something, or is that something that you came up with?

Ed Meehan: That was from measuring a couple of the service stations.

Commissioner Lenares: That already have them?

Ed Meehan: That already have them. Some are a little bit bigger, some are a little smaller, this is sort of the mean. The one video, the one electronic sign I have seen on the Berlin Turnpike down in Berlin, Valero, their signs, their electronic price sign is usually just for unleaded, low grade, it's probably three feet high, but they only have one sign up there. But, this is not to say, I don't think this will be interpreted that a gas station could take an area of three by three and have one big sign. This would be three separate signs, four separate signs if they sell diesel, that's how I think it should be applied.

Commissioner Lenares: I was just wondering, I see some of these signs that, I mean we could take the one that we have all talked about before, the one at the high school, obviously, whether you are for it, or against it, sometimes the words that are on there are I think, in my opinion, a little small. So, as long as you saw that one foot is big enough, I mean, I don't want it to be three feet tall either, but if one foot is standard, or what you saw as the norm in other towns, that would be okay by me, as long as it is big enough. I don't want it to be undersized like the high school sign.

Ed Meehan: The difference is, and the readability of a sign that is maybe a foot by three, and I'll give you an example, Citgo, on the Berlin Turnpike. The letter thickness stands out. The price sign is always in one panel. It's pretty readable. With a digital control sign, the letters seem to be very narrow and maybe it's my eyes, but I find a narrow letter, glowing letter, harder to read than that big fixed price sign. That could be my personal preference, but I look at that sign, I looked at Merit, further down at Mobil, their price signs are smaller, Mercury tends to be a little bit smaller, over on Cedar Street and Fenn. I think electronic signs are harder to read. That's just the way I look at it.

Commissioner Lenares: Thanks, Ed.

Chairman Pruet: Further comments from Commissioners?

Commissioner Aieta: I don't want to beat this to death, you all know my position on the digital signs, I've stated it three or four times at the different meetings. If this will pacify the rest of the members here, to allow gas stations to have the signs, then I'll probably be forced to move this along. I don't get it, I mean, we went through all of this to come up with a sign, what districts are they going to be used in?

Ed Meehan: These would be permitted in all of your commercial districts.

Commissioner Aieta: In all of them? Every gas station, including neighborhood gas stations would be able to have these types of signs?

Ed Meehan: Yes.

Commissioner Aieta: I know that we talked about that. I thought it was only going to be on the Berlin Turnpike, that's the impression I got from listening to the members here that are in favor of this.

Ed Meehan: Well, the sign regulations, Section 6.4 are uniform throughout commercial zones.

Commissioner Pane: I have to agree with the Commissioner, maybe you know, I would be in favor of this because it is only allowing gas stations but seeing that any area in town, I would hope that some of the other Commissioners would feel like I do, and my fellow Commissioner that maybe this shouldn't even be at gas stations. What are we achieving here? It doesn't seem like we are achieving much and as the Town Planner alluded, these signs, these electronic signs have narrow letters and I'm glad to hear that I'm not the only one that feels that they are hard to read sometime. I really don't think this is going to benefit, has much business benefit for these businesses. Thank you.

Chairman Pruet: Additional comments from Commissioners on this?

Commissioner Hall: It's going to be a choice for the gas station. If they don't want to do it, they don't have to do it, but again, it's an option for them, if they feel that the technology is going to enhance their business it gives them the opportunity to do it.

Commissioner Aieta: That being said, I've never seen a rush of gas station people coming in asking for these signs, in fact the town hasn't seen a rush from anybody coming in asking for these signs. We sit here, and my experience on the Zoning Board goes back pretty far, and I don't remember anybody ever coming in for a digital sign other than the Walgreen's.

Commissioner Anest: I just feel that I think we need to be pro-active rather than reactive. That, you know, that we should be able to give business choices, doing it now rather than with a petition comes in, having to review our regulations and trying to come up with something. We're talking about it, we're hashing about it. I personally think they are easier to read at night time, when you are driving down the road, and you want to see the gas prices, the backlit signs, number one, some of them are very bright, if you are concerned about brightness maybe we should talk about controlling the brightness of the back lit signs, but these digital signs, when you are driving down the road are easier to read when it is dark out or when it is raining out.

Commissioner Casasanta: I agree with the comments that you made at the beginning of this Mr. Chairman, that I think this particular document encompasses the consensus of what we discussed at the previous meetings, and I see no reason to not bring this to a public hearing.

Chairman Pruet: Anybody else? Consensus is, move this, as revised with the definition of a digital sign and the option of having a digital gas sign, move it for a public hearing. Can I have a consensus on that? Okay.

Ed Meehan: Mr. Chairman, I just re-read Section 6.2.4, this is a new Section E that is being proposed. The comment, the point was made about having this in your local business zone and possibly in the town center zone. We have a gas station, I believe the Commission can add another sentence to item 2, excluding the Business Zone, the Business Town Center Zone and the Industrial Zone. So the electronic signs for gas prices would only be PD and the Berlin Turnpike Zone.

Chairman Pruet: Okay, I think that would be appropriate. Okay, if you would amend that Ed, we will put that forward for a public hearing.

C. Public Participation on the above draft Zone Amendments.

Chairman Pruett: Anyone from the public wishing to speak on this, it's part of the public hearing?

Mike, NCTV: I haven't seen the exact language for the signs, talking about the gasoline station signs, but I hope that if you allow the digital signs for gasoline and for diesel, that you would phrase it in such a way so that other types of motor vehicle fuels for highway use, such as the eight-five, natural gas, or other types of alternative fuels that may come up down the road, hydrogen, whatever else would be permitted to have the same type of sign.

VIII. PETITIONS FOR SCHEDULING (TPZ April 13, 2011 and April 27, 2011.)

Ed Meehan: At this point, we have a couple of requests, one is for a site plan subdivision extension on Culver Street, asking for an extension of the five years, that's the subdivision that was approved for this section from Shady Hill to Rockledge, and there will be an 8-24 referral on your agenda from the Town Council relative to property along the busway, and the third item will be outside dining at a restaurant on the Berlin Turnpike for some outside seating, so right now it's kind of light.

IX. REMARKS BY COMMISSIONERS

Commissioner Hall: In the spirit of signs, a couple of weeks ago, we had a petition for, I think it's called Med-Works, up on Cedar Street, and when they presented their mock up, I think we were all pretty aghast at the size of it. I don't know if it was the scale, or whatever, but anyway, the sign is up, and it's very attractive. I don't think it is over powering at all. I know that it was a lot bigger than what it had been, but I drove by it the other day, and I thought, it's a pretty nice sign. So, sometimes what we see can be a little misleading, because I truly thought that sign was going to be gigantic, and it's not.

Chairman Pruett: Additional comments from Commissioners?

X. STAFF REPORT

None.

Chairman Pruett: We could just allude to the fact that Ed and I had a discussion with the Town Attorney, we are moving forward with the blight ordinance and also with the ticketing. That will be presented to the Town Council for their input. So that is moving along, and we are moving closer to a review on Saturdays for compliance with signage.

Commissioner Pane: Mr. Chairman, what was that last bit?

Chairman Pruett: Where the Zoning Officer, we're working on a schedule change where he will come in on Saturdays to review sign compliance.

Commissioner Pane: My other question would be Mr. Chairman, when these regulations for blight or extra regulations for zoning enforcement are they going to be presented to this board?

Chairman Pruett: In conjunction with that, yes.

Commissioner Pane: Before they go to the Council, please? So that we can have comments on it? It would be only appropriate that we get to look at this before you present it to the Town Council, Mr. Chairman so that we can see how we like it and present ideas. Thank you.

Chairman Pruet: I'll request that in conjunction with, what we are reviewing for the zoning officer. Anything else?

Commissioner Aieta: Mr. Chairman, seeing that the agendas are so light, are we going to proceed with any other sections of the Zoning Regulations, something that we could put on the agenda, that we could start discussing? I mean, we come here and there is nothing on the agenda, so there should be more than what we talked about, the signs and restaurants and the non-conforming, there are other areas. I would like to start with the Special Exception Section and look through that and see if we could make some changes to them, at least talk about it.

Chairman Pruet: Okay, we can put that on the agenda for the next meeting for discussion.

XI. PUBLIC PARTICIPATION
(For items not listed on agenda)

None

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: I want to comment on the last meeting. Commissioner Pane brought to your attention that in 2007 I was on the TPZ and I voted to remove the drive throughs, that's correct. It was in combination with about sixteen to twenty different items, compressed into one, but that's neither here nor there, I did do that. Sometimes it's ironic how things change, go back and forth, especially on TPZ and I would like to give you some examples of that. In May of 1988, the Commission removed drive throughs from our regulations. In May of 1998 a subcommittee was formed to review the existing drive through regulations that consisted of Vice-Chairman Pane, Whalen and Hebert. Mr. Pane recommended that the regulations be re-instated. On June 10, 1998 Mr. Pane presented a motion to allow them, and it passed with four yes and one no and one abstention. On November 23, 1998 Mr. Pane introduced a motion to accept a Dunkin Donuts drive through at 548 Cedar Street and it passed six to one and lastly, the vote in February, 2008 for the Dunkin Donuts next to Wendy's on the Berlin Turnpike, he voted in the affirmative. I just find it ironic that the objections were so vocally voiced against this but it wasn't that so ten years ago. I just wanted to say that for my comments.

XIII. ADJOURNMENT

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Cassasanta. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary